

**BEFORE THE STATE BOARD OF MEDIATION
STATE OF MISSOURI**

FERGUSON REGISTERED NURSES ASSOCIATION,)	
)	
Petitioner,)	
)	
vs.)	Public Case No. 76-010
)	
FERGUSON REORGANIZED SCHOOL DISTRICT R-2,)	
)	
Respondent.)	

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION**

JURISDICTIONAL STATEMENT

On April 7, 1976, Ferguson Registered Nurses Association (hereinafter referred to as "petitioner") filed a petition with the State Board of Mediation for the determination of an appropriate bargaining unit and exclusive bargaining representative for the following unit:

All registered nurses employed by the Ferguson Reorganized School District R-2; excluding all other employees.

On May 17, 1976, Ferguson Reorganized School District R-2 (hereinafter referred to as "respondent") filed an Answer which stated in pertinent part that petitioner, being a voluntary unincorporated association, has no legal capacity to sue or be sued and therefore no legal capacity to institute and prosecute this proceeding.

Section 105.525 RSMo 1969 states:

"Issues with respect to appropriateness of bargaining units and majority representative status shall be resolved by the State Board of Mediation..."

Section 105.500.2 RSMo 1969 defines "exclusive bargaining representative" as "an organization which has been designated or selected by a majority of employees in an appropriate unit as the

representative of such employees in such unit for purposes of collective bargaining;" (emphasis added)

Board of Mediation Rule 40-2.020 (1) states:

"A petition for certification of public employee representative may be filed by any public employee, group of public employees, any individual or employee organization claiming to be the majority representative of public employees in an appropriate unit." (Emphasis added)

In accordance with the foregoing sections and rule, it is the decision of this Board that jurisdiction to hear and decide this matter vests with the State Board of Mediation.

FINDINGS OF FACT

The respondent is a public school district located in St. Louis County, Missouri. As of the 1975-1976 school year, the total pupil enrollment was approximately nineteen thousand pupils with a teaching staff of around twelve hundred and a total employee staff of approximately two thousand.

The non-teaching staff consists of administrators, bus drivers, maintenance people, mechanics, custodial people, cafeteria food service people, and nurses.

There are twelve registered nurses, referred to as health counselors, employed by the respondent; one counselor being stationed at each of the five junior high schools, the remainder responsible for the twenty-seven elementary schools.

The primary objective of the health counselor program is total involvement in the physical, mental, and emotional education of the students.

These twelve counselors are licensed with the State Board of Nursing as registered nurses and as such must have completed four years of high school or the equivalent thereof and the basic professional curriculum in an accredited school of nursing and hold a diploma therefrom.

CONCLUSIONS OF LAW

The only issue to be determined by this Board is whether the registered nurses employed by the respondent constitute an appropriate bargaining unit.

Section 105.500.1 RSMo 1969 states:

(1) "Appropriate unit" means a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned;

The proposed unit of registered nurses, referred to as health counselors, constitutes a well defined professional group whose training, skill and duties differ from those of the other non-teaching employees employed by the respondent.

DECISION

It is the decision of this Board that the unit of all registered nurses employed by the Ferguson Reorganized School District R-2, excluding all other employees, establishes a clear and identifiable community of interest among the employees concerned, and therefore is an appropriate unit.

Dated this 3rd day of November, 1976.

MISSOURI STATE BOARD OF MEDIATION

/s/ Michael Horn
Michael Horn, Chairman

/s/ Stanley W. Cox
Stanley W. Cox, Employer Member

/s/ Robert Missey
Robert Missey, Employee Member